Remarks

Applicants note with appreciation the allowance of Claims 13 – 18 and that Claims 6 – 8 would be allowable if rewritten into independent form. Inasmuch as Claim 13 is a dependent claim, it has been rewritten to place it into final condition for allowance. Claim 6 has similarly been rewritten to include the subject matter of independent Claim 1. We respectfully submit that Claims 6 – 8 and 13 – 18 are now allowable.

The Applicants acknowledge the dual rejection of Claims 4 and 5 over the hypothetical combination of Nakashima with Shapero and the hypothetical combination of Nakashima with Goldfarb. Nakashima, utilized in both rejections, has an effective filing date of November 2, 1998. However, the Applicants' priority application UK 9800856.8 has a filing date of January 15, 1998. The Applicants' priority document provides full support for the subject matter of Claims 4 and 5, thereby rendering Nakashima as a non-prior art publication. (Nakashima has an effective filing date of November 2, 1998.) In that regard, we enclose a copy of UK Patent 2 318 523, which issued from Application No. 9800856.8, as well as a copy of the application. We particularly invite the Examiner's attention to page 1 at the last paragraph of the application, wherein various copolymers and polymers utilizable in accordance with the invention, including those set forth in the Markush group from Claim 5 are all present. As a consequence, Nakashima is not available as prior art for use in combination with either of Shapero or Goldfarb. Thus, the dual rejection of Claims 4 and 5 utilizing Nakashima as a secondary reference are no longer viable. Withdrawal of both rejections based on Nakashima is accordingly respectfully requested.

The Applicants acknowledge the 35 U.S.C. §102 rejection of Claims 1 and 3 over Shapero. A close reading of Shapero reveals that it relates to subject matter far afield of the invention as

recited in Claims 1 and 3. The Applicants have amended Claim 1 to further highlight those differences by specifying that the doll's skin is a seamless doll's skin comprising a seamless, molded elastomeric material adapted to be repeatedly dressed, fitted over and removed from a doll to transform the doll into a different character or object. We respectfully submit that the claimed subject matter is not disclosed by Shapero, either explicitly or implicitly, as required under §102. First, Shapero does not disclose a seamless doll's skin. To the extent that one could reasonably consider the agglomeration of labels as a skin, such skin is inherently full of seams. In that regard, we enclose a copy of Figs. 5 and 6 of Shapero with highlights in red demonstrating the presence of seams. The fact that the doll's skin of the invention is seamless is one of the significant advantages discovered by the Applicants.

Although the Applicants fully agree that an individual label of Shapero may be seamless, such an individual seamless layer does not comprise a doll's skin. It only comprises, at its best interpretation, a portion of a skin. This can be seen by reference to Fig. 1 that clearly demonstrates that an individual portion of the doll's torso is covered by utilizing a single seamless label. For example, label 13 is applied to the calf portion of the doll's lower right leg. This could hardly be considered to be a doll's skin in a sense that one of ordinary skill in the art would understand it. As a consequence, Shapero fails to disclose a seamless doll's skin comprising seamless elastomeric material.

Shapero fails to disclose that the elastomeric material is molded. We note with appreciation the Examiner's helpful comments concerning Column 1, lines 26 – 31 of the Shapero specification. Unfortunately, the word "mold" does not appear anywhere in that text. The word "mold" does appear later in Column 1 at line 51. However, that refers to a flexible doll figure being molded, not

a doll's skin. The more relevant portion of Shapero may be found at Column 2, beginning at line 52, wherein Shapero discloses that the labels are constructed of a thin rubber-like material so they can stretch and closely follow the surface of the doll to which it is applied.

Although Shapero does not explicitly teach it, it appears as if the rubber-like labels of Shapero are thin films that are typically cast, oftentimes on a casting drum. In any event, there is no mention of molding the labels. Accordingly, Shapero cannot support a rejection under §102.

Claim 1 also recites that the skin is adapted to be repeatedly dressed, fitted over and removed from a doll. Again, Shapero fails to disclose this. In fact, Shapero discloses just the opposite. Reference to Column 2, line 64 discloses that the label is held in place on the doll by adhesive. Moreover, Column 4, beginning at line 4, teaches that the label is held "very tenaciously" to the doll. Line 11 of that same column notes that the adhesive on the label provides for it to adhere "very strongly." Finally, beginning at line 56 of Column 4, the adhesive is characterized as being of a type that "adheres tenaciously to the label and toy figure material." As noted above, this is the opposite of the invention as recited in Claims 1 and 3. The Applicants have amended Claim 1 to emphasize the fact that the doll's skin is to be repeatedly fitted over and removed from a doll. The prior language "fitted to" has been replaced by "fitted over" to reinforce the point that the doll's skin of Claim 1 does not adhere to the doll itself, but is merely fitted over it so that it can be readily and repeatedly removed by the user.

As a consequence of the failure of Shapero to disclose a seamless doll's skin, a molded elastomeric material and/or a doll's skin that may be repeatedly dressed, fitted over and removed from a doll, significant aspects of Claims 1 and 3 are not disclosed by Shapero, thereby rendering it unavailable to support a rejection based on §102. Withdrawal of the rejection of Claims 1 and 3

based on Shapero is respectfully requested.

The Applicants acknowledge the rejection of Claims 10 and 11 under 35 U.S.C. §103 as being obvious over Shapero. The Applicants made the same amendments to Claim 10 as to Claim 1. Therefore, Shapero is inapplicable to Claims 10 and 11 as well. As previously noted, to the extent that Shapero teaches a doll's garment, which it clearly does not, such a garment, which comprises a multiplicity of pieces, is inherently not seamless. The Applicants' Claims 10 and 11 specifically claim a seamless doll's garment. This is the opposite of what is taught by Shapero. It is well accepted under the Patent Laws that the Applicants' claimed invention, proceeding in a direction opposite the teachings of the prior art, is excellent evidence in favor of patentability.

Also as previously noted above, Shapero fails to disclose, teach or suggest a molded elastic material. The only reference to molding in Shapero refers to the dolls themselves, not the dolls' garments. The labels of Shapero are not described as molded and are essentially films that are typically commercially cast, not molded. Cast films for labels are hardly suggestive of molded, seamless dolls' skin.

The essence of Shapero is to tenaciously, or very strongly, adhere the labels to the doll. This is the opposite of the invention as recited in Claims 10 and 11, wherein the doll's garment is formed to be repeatedly dressed, fitted over and removed from a doll. Accordingly, we respectfully submit that Shapero once again teaches away from the invention as recited in Claims 10 and 11.

Shapero also fails to disclose, teach or suggest the claimed height range of above 8cm to about 20cm. Careful scrutiny of the entire Shapero disclosure reveals that there is utterly no disclosure in that respect. The Applicants note with appreciation the Examiner's frank acknowledgment of this fact. In the absence of any teachings at all on this point, Shapero is non-

enabling with respect to doll height. Shapero simply does not mention it at all. It could hardly be obvious to select a specified height range based on a publication that in no way mentions height at all. The Applicants, therefore, respectfully submit that Shapero cannot support a 35 U.S.C. §103 rejection of Claims 10 and 11. Withdrawal of the rejection is respectfully requested.

The Applicants acknowledge the rejection of Claims 1, 3 and 9 under 35 U.S.C. §102 as being anticipated by Goldfarb. Goldfarb suffers a number of the deficiencies of Shapero in forming a rejection under §102. For example, Goldfarb does not disclose a doll's garment in the sense that one of ordinary skill in the art would understand it. Essentially, Goldfarb discloses clip-on pieces of rigid plastic that are necessarily incomplete as a garment. Moreover, by virtue of the fact that the clip-on pieces do not form a doll's skin as understood by one of ordinary skill in the art, forming a doll's skin from the clip-on pieces of rigid plastic disclosed by Goldfarb would inherently result in seams, which is to be avoided in the invention as recited in Claims 1, 3 and 9. Also, the clip-on pieces of Goldfarb must be dis-assembled to be removed. This is not the case in the invention.

Of even greater importance is the fact that Goldfarb fails to disclose, either explicitly or implicitly, an elastomeric material. While the Applicants agree that Goldfarb discloses a synthetic polymer, i.e., styrene, such material is not elastomeric. In fact, styrene is not event a solid. Styrene is a liquid and is inherently not elastic. Any number of fundamental chemistry books readily demonstrate this. We enclose page 642 from Hackh's Chemical Dictionary as an example.

What Goldfarb likely referred to was a type of polystyrene---which is also not elastomeric. Instead, polystyrene is rigid and brittle, as evidenced by page 21 of Commercial Polymer Blends, which provides some background on liquid styrene and solid polystyrene. Styrene, even when polymerized, only becomes less rigid when it is copolymerized with rubber-type compounds. In any

event, Goldfarb fails to disclose all of the above except for styrene, which is not elastomeric. Withdrawal of the 35 U.S.C. §102 rejection of Claims 1, 3 and 9 based on Goldfarb is accordingly respectfully requested.

The Applicants acknowledge the rejection of Claims 10 – 12 under 35 U.S.C. §103 as being obvious over Goldfarb. Essentially the same points as set forth above with respect to Goldfarb in conjunction with the anticipation rejection apply to the obviousness rejection as well. Goldfarb teaches in the opposite direction with respect to seamless doll's garments. In sharp contrast, Goldfarb teaches pieces of rigid plastic that do not form a seamless doll's garment. Applying multiple rigid pieces of plastic in an attempt to form a doll's garment would result in a doll's garment that has seams. This is a clear teaching in the opposite direction of the subject matter claimed in Claims 10 – 12. Teachings by prior art in the opposite direction of claims is, as noted above, excellent evidence of patentability.

Similarly, Goldfarb fails to teach or suggest elastomeric material. Goldfarb teaches styrene, which is liquid and inherently not elastomeric. To the extent that Goldfarb really means polystyrene, such material is rigid and, oftentimes, brittle. This is again a teaching in an opposite direction of the solicited claims and would accordingly lead one of ordinary skill in the art away from the invention as recited in Claims 10 – 12. The teachings of rigidity in Goldfarb are evidenced by reference to Fig. 4, for example, wherein Goldfarb provides for pins 58 and rearwardly extending receptacles 56, which are inherently rigid to function as desired. Making either or both of the pins 58 or receptacles 56 elastomeric would simply cause them to be non-functional. It is, therefore, quite clear that Goldfarb teaches in a direction completely opposite that of the invention as recited in Claims 10 – 12. As a consequence, Goldfarb cannot support a 35 U.S.C. §103 obviousness rejection.

Withdrawal of the rejection of Claims 10 – 12 is accordingly respectfully requested.

Finally, Goldfarb fails to disclose, teach or suggest the claimed height range of a doll of above 8cm to about 20cm. It accordingly could hardly be obvious to specify a given height range or speculate concerning height ranges when Goldfarb fails to address the issue at all. There is simply no disclosure concerning heights at any location in Goldfarb, whether in the text or in the drawings.

In light of the foregoing, we respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,

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